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Customer No.: 31561
Application No.: 10/709,894
Docket No.: 12689-US-PA

REMARKSPresent Status of the Application

Claims 1-9 remain pending of which claim 1 has been amended to more clearly describe the claimed invention.

More specifically, the proposed independent claim 1, which is directed to a method of remotely managing a mobile communication device, has been amended to recite a step of "running said application program on said mobile communication device; and determining a position of said mobile communication device". Amendment to the proposed independent claim 1 is fully supported at paragraph [0018], where it is described that the application program (J2ME) is sent to the mobile phone and run on the mobile phone to obtain (determine) its position. Therefore, it is believed that no new matter adds by way of amendments to the claims or otherwise to the application. Reconsideration is respectfully requested.

1. *The Office Action rejected claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (US-6,301484, hereinafter Rogers) and Buckham et al. (US-6,662,016, hereinafter Buckham).*

In rejecting the above claims, the Examiner stated that Rogers et al. discloses a system that allows the service provider to enable and disable wireless phone features without requiring the phone to be returned to the service provider for implementation. The service provider directs the phone to enable or disable features through a feature control message transmitted to the phone using SMS (col. 5, lines 4-13) which reads on

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the claimed "method of remotely managing a mobile communication device comprising: providing at least a short message including an application program; sending the application program to the mobile communication device; and running the application program on the mobile communication device", wherein the feature code reads on the application program and activating the feature code reads on running the application program. Rogers fails to disclose that the application program allows tracing of a position of the mobile communication device. In the similar field of endeavor, Buckham discloses a particular application may be designed to track the mobile resource by obtaining updated location information at predetermined time intervals (col. 10, lines 27-63). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rogers with Buckham to include the above location tracking information in order to allow a dispatcher to monitor the location of resources as suggested by Buckham (col. 4, lines 36-48).

Applicants respectfully disagree and respectfully submit that Rogers merely discloses sending a SMS feature control message to the mobile phone using SMS rather than sending a SMS including an application program as taught by the claimed Invention.

Furthermore, Buckham, at col. 2, lines 37-55, and col. 10, lines 1-48, substantially discloses a method for correlating mapping information and mobile resource marker information on a client side of a data-enabled network interface, including receiving location information regarding a mobile resource location; accessing, at the server node, mapping information for a geographical area including the mobile resource location; generating marker information defining a graphical representation of the mobile resource

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location; transmitting, from the server node to the client node, a first message set including the mapping information; and combining, at the client node, the mapping information and the marker information to generate a graphical display including the mobile resource location.

In other words, Buckham substantially fails to teach or suggest that the client node or the mobile resource in/by itself determine its own location but rather relies on the server to supply the mapping information and the maker information and then they are combined at the client node to generate a graphical display including the mobile resource location. Thus, it is clearly evident that Buckham substantially fails to teach or suggest at least the steps of sending an application program to the mobile communication device and running the application program on the mobile communication device to determine a position of the mobile communication device as required by the amended proposed independent claim 1, instead Buckingham substantially teaches a method of tracking the location or position of the mobile resource after determining its location at the server.

Thus, Rogers and Buckham substantially fail to teach, suggest or hint a method of remotely managing a mobile communication device comprising at least the steps of [running said application program on said mobile communication device; and determining a position of said mobile communication device] as required by the proposed independent claim 1. Accordingly, Applicants respectfully submit that the teachings of Rogers and Buckham above cannot possibly suggest one skilled in the art in a manner proposed by the Examiner to render every features of the claimed invention obvious in this regard.

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Thus, Rogers and Buckham, neither alone nor in combination, could possibly teach, suggest or hint a method of remotely managing a mobile communication device comprising at least the steps of [running said application program on said mobile communication device; and determining a position of said mobile communication device] as required by the proposed independent claim 1 in this regard. Therefore, for at least the above reasons, the proposed independent claim 1 patently defines over Rogers and Buckham.

Claims 2, 4, 5, 7 and 9, which directly or indirectly depend from the independent Claim 1, are also patentable over Rogers and Buckham at least because of their dependency from the allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 2, 4, 5, 7 and 9 patently define over Rogers and Buckham. Reconsideration and withdrawal of above rejections is respectfully requested.

2. *The Office Action rejected claims 3 and 8 under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Buckham as applied to claims 1 and 2 above, and further in view of Kim et al. (US-6,810,262, hereinafter Kim).*

Applicants respectfully disagree and would like to point out that because like Rogers, Kim also merely teaches or discloses a method of transmitting and receiving SMS messages, and Kim (and Rogers) fails to teach, suggest or disclose any method for tracing the position of the (misplaced or lost) mobile communication device, therefore, Kim cannot possibly cure the specific deficiencies of Rogers and Buckham for at least the reasons as substantially discussed above. Accordingly, Applicants respectfully submit

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that Rogers, Buckham and Kim, neither alone nor in combination, could possibly render every features of the claimed invention as a whole. Thus, claims 3 and 8, which directly or indirectly depend from the amended proposed independent claim 1, also patently define over Kim (and Rogers) for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

3. The Office Action rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Rogers and Buckham in view of what was well known in the art.

Applicants respectfully disagree and would like to point out that the well known Java 2 Micro Edition still cannot cure the specific deficiencies of Rogers and Buckham for at least the reasons as substantially discussed above, and therefore claim 6, which indirectly depend from the amended proposed independent claim 1, also patently define over Rogers and Buckham for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-9 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

Date : *August 14, 2006*

Respectfully submitted,

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